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AT DANVILLE, VA
FILED

MAR 15 2022

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

JULIA C. DUDLEY, CLERK BY: s/ H. MCDONALD DEPUTY CLERK

PATRICIA ALBERTA NEWELL,	)
Plaintiff,	)
	) Case No. 4:21-cv-007
v <b>.</b>	)
	)
CARTER BANK & TRUST,	) By: Michael F. Urbanski
Defendant	) Chief United States District Judge

## **ORDER**

This matter is before the Court on defendant Carter Bank & Trust's motion to dismiss Count II and Count III of plaintiff Patricia Newell's ("Newell") amended complaint, ECF No. 13, for failure to state a claim. Mot. to Dismiss, ECF No. 14. Newell opposed the motion and the court heard argument on June 22, 2021. For the reasons stated in the accompanying memorandum opinion, the Court **DENIES** Carter Bank's motion to dismiss as it relates to Count II's ADEA retaliation violation claim and Count III's ADAAA wrongful termination claim. The Court **GRANTS** Carter Bank's motion to dismiss as it relates to Count III's ADAAA hostile work environment claim.

It is so **ORDERED**.

Entered: 03/14/2022

Michael F. Urbanski Chief U.S. District Judge 2022.03.14 14:37:49

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Michael F. Urbanski

Chief United States District Judge